

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA     )  
  )  
vs.   )     NO. 04-30034-MAP  
  )  
MICHAEL CROOKER                     )

**AFFIDAVIT RESPECTING WYATT DETENTION FACILITY WIRETAPS AND  
IMPLIED CONSENT**

1. I was the lead plaintiff in the Title III Class Action Wiretap lawsuit against Danbury Federal Prison's telephones. Crooker v. U.S. Department of Justice, 497 F. Supp. 500 (D. Conn. 1980). The impetus for this lawsuit was an individual, I then knew as Frank Campiti, who has successfully sued over a Walpole Prison intercepted telephone call. Campiti v. Walonis, 611 F.2d 387 (1<sup>st</sup> Cir. 1979). I knew from Campiti's case, and successfully argued in mine, that no valid consent existed . . . when there is a telephone monopoly, no alternative exists for using other phones, and an individual is forced to use a particular phone or no phone at all, there is no consent.
2. I did not consent to Wyatt Detention Facility's private jailers intercepting my telephone calls. I know from my 30-year study of law that Wyatt's staff are mere security guards and not investigative or law enforcement officers. I know that, for this reason, the Danbury guards could intercept telephone calls, but the Wyatt guards legally could not, despite any forced consent notices.
3. Most detainees at Wyatt, including myself, knew that Wyatt's private staff had no law enforcement status and believed, or suspected, that the telephone warnings were bluffs to dissuade drug deals and criminal activity over the telephones, and that actual recording probably did not occur.
4. Furthermore, due to the unique circumstances of my case, I did not even receive any telephone warnings. I went to Wyatt Detention Facility on July 16, 2004 and went directly to segregated confinement, bypassing the normal orientation procedure. I did not receive the Inmate Handbook.
5. I did receive the Inmate Handbook in October 2004 from a female counselor, and I had to sign and date an acknowledgment that I received it. It was given to me in October 2004 because in administrative disciplinary proceedings for alleged offenses committed in segregation, I raised as a defense that I was never made aware of the rules of the facility.

6. The only calls that I ever made out of Wyatt were to my brother, Steven, between July 16, 2004 and August 10, 2004 during the time that I had not been given the Inmate Handbook.
7. All of those calls were made from segregation. There was a procedure in effect at the time which was designed to prevent a detainee from calling a telephone number different from the one that he wrote down on his Request Slip and also to prevent the false claiming that one "did not get through" thus enabling a second telephone call. The procedure was that the segregation guard would bring the telephone to the detainee's cell, dial the number himself from the Request Slip, and then hold the receiver to the caller until the called party answered. Then he would hand over the receiver and lock the food slot. The telephone would automatically shut off after 15 minutes and the receiver would be retrieved at a later time. Thus if there were warnings, the detainee could not have heard them.
8. Later this procedure changed and they built two blue, segregation collect payphones on wheels, where the telephone was at the exact same height as the food slot. The requirement of only calling the number on the Request Slip was discontinued as was the strictly enforced requirement of being able to make one call only. This change in procedure did not occur however until long after my July and August 2004 telephone calls.
9. My brother has informed me that he did not hear any Wyatt warnings either, and he thinks that this might be because at the time he was screening his calls by having the other four adult and minor household members answer the telephone, hence any warnings would have been heard by the nonparticipants to the call and not by him.

I declare that the foregoing is true and correct. Executed this 25<sup>th</sup> day of January 2006.

/s/ Michael Crooker